IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 8867 of 2007(E)

PETITIONER:

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1. INDIRA, W/O.LATE PURUSHOTHAMAN,
KADAVATH HOUSE, PANANCHERY DESOM,
VILLAGE, THRISSUR.

2. THANKAMMA, KADAVATH HOUSE,
PANANCHERY DESOM, VILLAGE, THRISSUR.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

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1. TRICHUR DISTRICT CO-OPERATIVE BANK LTD.,
NO.60, HEAD OFFICE, KURUPPAM ROAD,
TRICHUR - 1, REPRESENTED BY ITS SECRETARY.

2. THE SPECIAL SALE OFFICER,
TRICHUR DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, TRICHUR.

BY ADV. SRI.T.R.HARIKUMAR
SRI.V.G.ARUN,SC,THRISSUR DIST.CO-OP BANK
SRI.T.R.HARIKUMAR,SC,THRISSUR DIST.CO.OP.BANK
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE F.I.R. IN CRIME NO.23/2001 OF PEECHI POLICE STATION DTD. 28-1-01
EXT.P2	TRUE COPY OF THE ORDER N R.P.NO.132/2005 OF THE COURT OF THE KERAL CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM
EXT.P3	TRUE COPY OF THE NOTICE ISSUED BY R2 DTD. 15-2-2007.
EXT.P4	TRUE COPY OF THE RECEIPT DTD. 7-9-05 ISSUED BY R1 FOR AN AMOUNT OF RS.20,000/-
EXT.P5	TRUE COPY OF THE RECEIPT DTD. 2-1-07 ISSUED BY R1 FOR AN AMOUNT OF RS. 13,000/-
EXT.P6	TRUE COPY OF THE RECEIPT DTD. 30-1-07 ISSUED BY R1 FOR AN AMOUNT OF RS. 13,000/-
EXT.P7	TRUE COPY OF THE RECEIPT DTD. 7-3-07 ISSUED BY R1 FOR AN AMOUNT OF RS. 20,000/-
EXT.P8	TRUE COPY OF THE SALE NOTIFICATION ISSUED BY R2 APPEARED IN MATHRUBHUMI DAILY DTD. 8-3-07 GOING TO SELL THE PROPERTIES OF THE PETITIONERS AND OTHERS.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 8867 OF 2007

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Dated this the 3rd day of August, 2007

JUDGMENT

Petitioners are legal heirs of Purushothaman who availed a loan. It is case of the petitioners that Purushothaman committed suicide. An award was passed. Petitioners challenged the award. Ext.P2 is the order passed by the Tribunal. By Ext.P2 award, petitioner was allowed to discharge the decree debt in 10 equal monthly instalments. On failure of two consecutive instalments, the respondent was given liberty to realise the entire amount in a lump. Ext.P3 is the notice issued under Rule 81(E) for sale after the passing of the modified award. It is stated that petitioner has paid substantial portion of the amount as evidenced from Exts. P4 to P7 receipts and it is also stated that an amount of Rs. 66,000/- was paid towards the dues. Petitioners challenge Exts.P3 and P7.

2. I heard learned counsel for the respondents also, who submits that petitioner has not complied with the instalment

facility as ordered in Ext.P2. Learned counsel for the petitioners submits that they may be permitted to pay off the entire amount in instalments.

Having heard learned counsel for the parties, the writ petition is disposed of as follows:

Petitioners are permitted to pay off the entire amount remaining to be paid with due interest in six equal monthly instalments, the first of which shall be payable on or before 04/09/2007. Petitioners are to pay the remaining instalments on or before the 4th of every succeeding months. The respondent-society will serve a statement on the petitioners showing amount remaining to be paid and also the amount of instalments to be paid on the basis that the amount is to be paid in 6 equal monthly instalments, within two weeks from today. If any of the instalments as aforesaid is not paid, petitioners will lose the benefit of this judgment and it will be open to the respondents to proceed against the petitioners in accordance with law.

(K.M.JOSEPH, JUDGE)

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